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AUG 27 2008

UTAH STATE
INSURANCE DEPT.

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State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

MCKAY LEE VERCIMAK
1007 West 540 North, Apt. D
St. George, UT 84770
License Pending

**STIPULATION
&
ORDER**

Docket No.

2008-126-PC

Enf. Case No. 2223

STIPULATION

1. Respondent, McKay Lee Vercimak, is a resident of the State of Utah whose application for an insurance agent's license is currently pending.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter: and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

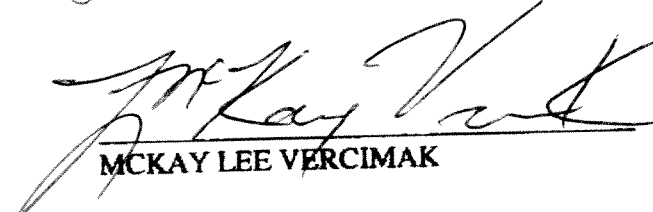
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

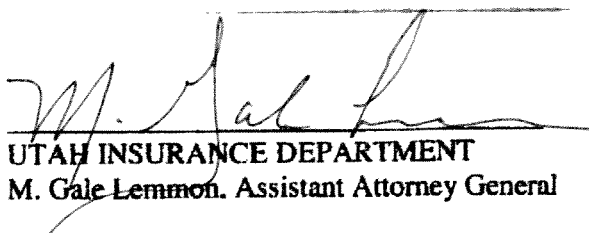
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 25 day of August, 2008.


MCKAY LEE VERCIMAK


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent submitted an application for an insurance agent's license to the department on May 27, 2008. In his application, Respondent answered "No" to the question "Have you ever been convicted of ... committing a crime...?"

2. At the time he submitted his application Respondent knew he had been convicted of possession of a controlled substance, a class B misdemeanor on March 26, 2007.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In falsely stating that he had not been convicted of a crime when such was not the case, Respondent violated Utah Code Annotated §§ 31A-23a-105(2) and 31A-2-202(6).

2. In providing false information in his application for a license, Respondent brings into question his qualifications to hold a license under Utah Code Annotated § 31A-23a-107(2), and is subject to having his license issued on probation under Utah Code Annotated § 31A-23a-113.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$500.00, to be paid within 30 days of the date of this Order.

2. Upon payment of the forfeiture assessed herein, the department shall issue an insurance agent's license to the Respondent which shall be on a probationary status for a period of 12 months. The terms of probation are that Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.


NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED this 10th day of September, 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

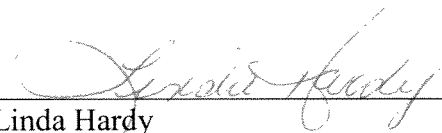
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

McKay Lee Vercimak
1007 West 540 North Apt. D
St. George, UT 84770

DATED this 10th day of September 2008.



Linda Hardy Court Clerk
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901

UTAH
Invoice - Original

Page 1

Printed Date: September 10, 2008

Invoice Date: September 10, 2008
Balance Due: \$500.00
Due Date: October 10, 2008
Invoice ID: 391893
Payor ID: 1364207

VERCIMAK MCKAY LEE
1007 WEST 540 NORTH APT D
ST GEORGE UT 84770

Item Description	Amount
9/10/2008 Monetary Penalty Individual	\$500.00
E-case 2223 Docket 2008- 126 PC	
Original Amount Due	\$500.00

UTAH
Invoice - Original

Invoice Date: September 10, 2008
Balance Due: \$500.00
Due Date: October 10, 2008
Invoice ID: 391893
Payor ID: 1364207
Payor Name: VERCIMAK, MCKAY LEE

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901